

# JOURNAL OF THE SENATE

FRIDAY, APRIL 5, 1929

The Senate convened at 11 o'clock a. m., pursuant to adjournment.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President; Senators: Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Hinely, Hodges, Howell, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Welsh, Whitaker, Young.—34.

A quorum present.

Prayer by Chaplain.

Journal of April 4 was corrected as follows:

On page 1, column 1, between lines 70 and 71, insert the following:

The President appointed Miss Ina Gibbs as the President's Secretary and Stenographer.

## INTRODUCTION OF RESOLUTIONS

By Committee on Privileges and Elections—

Senate Resolution No. 7:

Whereas, there has heretofore been referred to the Committee on Privileges and Elections protests filed with the Senate by George W. Scofield against the seating of E. J. Irby as Senator from the Ninth Senatorial District, and requesting that the said George W. Scofield be seated as a Senator from the said Ninth Senatorial District; and

Whereas, it is necessary, in order to conduct a thorough and intelligent investigation in connection with said protest, that said committee be authorized and empowered to issue witness subpoenas and summons persons to appear before said committee as witnesses, and with authority to swear all witnesses, and with authority to require the production of papers and documents, and also to prescribe the rules of evidence governing said investigation, and with authority to employ such clerical assistance in connection therewith as may be necessary in the conduct of said investigation, as well as authority to compel the attendance of persons or witnesses summoned before said committee, and also to fix the per diem and mileages of all persons summoned as witnesses for their attendance before said committee; now therefore

Be it resolved by the Senate of the State of Florida, That the Committee on Privileges and Elections is hereby empowered and authorized to issue subpoena and summons persons to appear before said committee as witnesses, and with authority to require production of all papers and documents and also to prescribe the rules of evidence governing said investigation, and with authority to employ such clerical assistance in connection therewith as may be necessary in the conduct of said investigation, as well as authority to compel the attendance of persons or witnesses summoned before said committee, and also to fix the per diem and mileages of all persons summoned as witnesses for their attendance before said committee.

Which was read.

Mr. Adams moved the adoption of the Resolution.

Which was agreed to.

And the Resolution was adopted.

By Senator Hodges—

Senate Resolution No. 8:

Be It Resolved, That the Chairman of the Appropriations Committee is hereby authorized to employ one competent Clerk to act as Secretary to the Appropriations Committee of the Senate, who, when not engaged in work for the Committee, shall act as a general stenographer for the Senate.

Which was read.

Mr. Hodges moved the adoption of the Resolution.

Which was agreed to.

And the Resolution was adopted.

By Senator Gary—

Senate Resolution No. 9:

Resolved, That the Journal Secretary of the Senate be authorized to employ one assistant.

Which was read.

Mr. Gary moved the adoption.

Which was agreed to.

And the Resolution was adopted.

By Senator Hodges—

Senate Resolution No. 10:

Be It Resolved, That the Head Stenographer is hereby authorized to select two competent verifiers to verify stenographic work done by the stenographers for Senators in the Stenographic Room of the Senate.

Which was read.

Mr. Hodges moved the adoption of the Resolution.

Which was agreed to.

And the Resolution was adopted.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Hodges—

Senate Joint Resolution No. 1:

A Joint Resolution Proposing an Amendment to Section 1, Article 10, Constitution of Florida, relating to Homesteads and Exemptions, and Providing that no Actual Homestead shall be subject to State Taxation in the State of Florida.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Senator Hodges—

Senate Joint Resolution No. 2:

A Joint Resolution Proposing an Amendment to the Constitution of the State of Florida. To be known as Article 20 of said Constitution.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Senator Hodges—

Senate Bill No. 3:

A bill to be Entitled An Act to provide for the purchase, establishment, preparation and maintenance of aviation landing fields by the Road Department of the State of Florida in each County in the State of Florida where adequate landing fields and facilities have not already been established by County or municipal authorities.

Which was read the first time by its title and referred to the Committee on Roads and Highways.

By Senator Hodges—

Senate Bill No. 4:

A bill to be entitled An Act to provide for the pavement by the State Road Department of a road leading into and through the grounds of the Florida Agricultural and Mechanical College for Negroes.

Which was read the first time by its title and referred to the Committee on Roads and Highways.

By Senator Hodges—

Senate Bill No. 5:

A bill to be entitled An Act to appropriate the sum of Twenty-five Thousand (\$25,000) Dollars for Each of the Next Two Years, or So Much Thereof as May be Necessary, for the Purpose of Pensioning Persons Over the Age of Sixty Years Who Have Taught in the Public Schools of the State of Florida For a Period of Forty Years or More, and Also to appropriate the sum of Five Thousand (\$5,000) Dollars, or So Much Thereof as May Be Necessary to Finance the Actuarial Computation Incident to the Introduction of a Permanent, Adequate and Sound Annuity Plan at the 1931 Session of the Florida Legislature, for Persons Over the Age of Sixty Years Who Have Taught in the Public Schools of the State of Florida for a Period of Forty Years or More.

Which was read the first time by its title and referred to the Committee on Education.

By Senator Hodges—

Senate Bill No. 6:

A bill to be entitled An Act to provide that bonds may not be issued by any county or municipality in the State of Florida without first securing the approval of the Governor, Attorney General and the Comptroller of the State of Florida, acting as a Board of Public Securities.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Senator Hodges—

Senate Bill No. 7:

A bill to be entitled An Act granting a pension to Mrs. Emma E. Watson, widow of Albert G. Watson, of Leon County, Florida.

Which was read the first time by its title and referred to the Committee on Pensions.

By Senator Hodges—  
Senate Bill No. 8:

A Bill to be entitled an Act to provide for scholarships to the Florida Agricultural and Mechanical College for Negroes for the State of Florida from the various counties of the State and making appropriations thereof.

Which was read the first time by its title and referred to the Committee on Education.

By Senator Hodges—  
Senate Bill No. 9:

A bill to be entitled An Act To Declare, Designate and Establish a certain State Road in Leon County, Florida.

Which was read the first time by its title and referred to the Committee on Roads and Highways.

By Senator Hodges—  
Senate Bill No. 10.

A bill to be entitled An Act Granting a Pension to Mrs. Elia C. McClellan.

Which was read the first time and referred to the Committee on Pensions.

By Senator Hodges—  
Senate Bill No. 11.

A bill to be entitled An Act To Abolish occupation licenses in the State of Florida.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Senator Bell—  
Senate Bill No. 12.

A bill to be entitled An Act To repeal Chapter 11838 Laws of Florida, Acts of 1927, Entitled "An act relating to game, non-game birds, fresh-water fish and fur-bearing animals; to create the department of game and fresh-water fish and the office of State Game Commissioner; to define his duties and powers and that of his deputies; to fix his compensation and that of his deputies; to provide for the creation of a Wild Life Conservation Commission, the appointment of its members and to prescribe its duties and powers; to provide for the protection and conservation of game, non-game birds, fresh-water fish and fur-bearing animals by prescribing the times when and means by and extent to which they may be taken, possessed and dealt in; to license hunters, guides, trappers, and fishermen; to require persons who engage in the business of operating hunting and fishing boats for hire or who deal in fresh-water fish or hides of fur-bearing animals, to procure a license for same; to prohibit the use, placing or discharge in the fresh waters of the State of substances injurious to fish, to provide for the prosecution of persons violating the provisions of this Act and a penalty and rule of evidence in such prosecutions; to provide for the forfeiture and disposition of certain devices unlawfully used or maintained; to provide for the collection of funds to carry out the provisions of this Act and for the disposition of revenues accruing thereunder; and repealing certain existing laws and statutes; and defining certain terms used therein."

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Senator Phillips—  
Senate Bill No. 13.

A Bill to be entitled An Act relating to setting fire to or burning wild forest, woods, land or marshes in Columbia County, Florida.

Which was read the first time.

The certificate of publication being attached to the Bill.

Mr. Phillips moved that the rules be waived and that Senate Bill No. 13 be read the second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 13, with title above stated, was read the second time—by its title only.

Mr. Phillips moved that the rules be further waived and that Senate Bill No. 13 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 13, with title above stated, was read the third time in full.

Upon call of the roll on the passage of the bill, the vote was:

Mr. President: Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel,

Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—34.

So the Bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

# AFFIDAVIT OF PROOF OF PUBLICATION OF ABOVE LOCAL OR SPECIAL BILL NO. 13 RELATING TO FIRING FORESTS IN COLUMBIA COUNTY.

I, W. W. Phillips, being first duly sworn, do solemnly swear (or affirm) that notice of the intention to apply for the passage of the special or local bill above designated has been duly published in the locality where the matter or the thing to be affected by said bill may be situated, which notice stated the substance of the contemplated law, and was published in the manner provided by law at least thirty days prior to the introduction of said bill into this legislature; I further swear (or affirm) that a true copy of the notice so published was and is attached to the above designated bill and that said notice which was so attached to said bill when same was introduced was duly published in Columbia County, Florida, in the manner provided by law, as more fully appears by reference to said notice and accompanying papers attached to said bill, which notice and accompanying papers is made by reference a part of this affidavit as fully as if copied as a part hereof.

(Signed) W. W. PHILLIPS

Sworn to and subscribed before me this 5th day of April, A. D. 1929.

E. M. MANNING, Notary Public.

By Senator Phillips—  
Senate Bill No. 14:

A Bill to be entitled an Act to amend Chapter 11809, Laws of Florida of 1927 (Section 7749 of Compiled Laws of Florida of 1927), relating to the operation of motor vehicles by intoxicated person, and to provide the penalty for the violation thereof.

Which was read the first time by its title and referred to the Committee on Judiciary "A."

By Senator Bell—  
Senate Bill No. 15:

A Bill to be entitled an Act to amend Section 1164 Compiled General Laws of Florida of 1927 relating to special revenue for educational purposes; amounts of taxes; and the Section 1165 Compiled General Laws of Florida of 1927 relating to annual appropriation.

Which was read the first time by its title and referred to the Committee on Education.

By Senator Gary—  
Senate Bill No. 16:

A Bill to be entitled an Act ratifying, validating and confirming all conveyances of land heretofore made by the Board of County Commissioners of any County in the State of Florida, or by or under the authority of any such Board.

Which was read the first time by its title and referred to the Committee on Judiciary "B."

By Senator Malone—  
Senate Bill No. 17.

A Bill To Be Entitled An Act to amend Section 1 of Chapter 12037 Laws of Florida, and being Section 1153 of the Compiled General Laws of Florida, providing for the payment of a tax on gasoline, or any other like products of petroleum, and providing for the manner of the payment thereof.

Which was read the first time by its title and referred to the Committee on Roads and Highways.

By Senator Council—  
Senate Bill No. 18.

A bill to be entitled An Act to Promote and Increase the Shell Fish Industry of the State of Florida and Making an Appropriation therefor.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Senator Johns—  
Senate Bill No. 19.

A bill to be entitled An Act to Amend Section 1936 of the Compiled General Laws of Florida 1927, Relating to the Closed Season for taking Fresh Water Fish in the Fresh Waters of the State of Florida.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Senator Johns—  
Senate Bill No. 20.

A bill to be entitled An Act Taking Certain Land from Clay County, Florida, and Annexing the same and Making it a Part.

of Bradford County, Florida, and Providing for the Government Thereof.

Which was read the first time by its title and referred to the Committee on County Organization.

By Senator Johns—  
Senate Bill No. 21.

A bill to be entitled An Act to Repeal Sections 134, 135, 136, 137, 138, and 139 of the compiled general laws of Florida 1927, relating to the appointment of three special assistants to Attorney General, prescribing their duties and providing for their compensation.

Which was read the first time by its title and referred to the Committee on Judiciary "A."

By Senator Johns—  
Senate Bill No. 22.

A bill to be entitled An Act to amend Section 1902 of the compiled general laws of Florida 1927, relating to the defining of certain terms used in the game and fresh water fish law of the State of Florida.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Senator Johns—  
Senate Bill No. 23.

A bill to be entitled An Act to repeal Section 1961 of the compiled general laws of Florida 1927, relating to red or grey fox, the open season and licenses thereon.

Which was read the first time by its title and referred to the Committee on Game and Fisheries.

By Senator Johns—  
Senate Bill No. 24.

A bill to be entitled An Act to repeal Section 1962 of the compiled general laws of Florida 1927, relating to otter, beaver and their possession.

Which was read the first time by its title and referred to the committee on Game and Fisheries.

By Senator Wagg—  
Senate Bill No. 25.

A bill to be entitled An Act to amend Section 5751 compiled general laws of Florida, 1927, relating to deficiency decrees and common law suit to recover deficiency.

Which was read the first time by its title and referred to the Committee on Judiciary "B."

By Senator Bell—  
Senate Joint Resolution No. 26:

A Joint Resolution proposing an amendment to Section 6 of Article 9 of the Constitution of the State of Florida relating to Bonds.

Which was read the first time by its title and referred to the Committee on Constitutional Amendments.

By Senator Wagg—  
Senate Bill No. 27.

A bill to be entitled An Act to authorize, empower and direct the State Road Department of the State of Florida to construct a usable and serviceable road on a portion of State Road No. 85; to appropriate from State Road Funds in the emergency or ten per cent reserve fund of said State Road Department amounts sufficient to carry out the purposes of this Act, and to provide when said work shall be commenced.

Which was read the first time by its title and referred to the Committee on Roads and Highways.

Mr. Malone moved that the Senate do now proceed to the consideration of Executive Business.

Which was agreed to.

And the Senate Chamber and the gallery were cleared, and at 11:32 o'clock A. M. the Senate went into Executive Session.

The Senate resumed its regular session at 12:05 o'clock P. M.

The roll was called and the following Senators answered to their names:

Mr. President: Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Hinely, Hodges, Howell, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Welsh, Whitaker, Young—34.

A quorum present.

A message from the Governor was announced.

Mr. Hodges moved that the Senate do now proceed to the consideration of Executive communications.

Which was agreed to.

And the Senate went into Executive session at 12:08 o'clock p. m.

The Senate emerged from Executive session at 12:21 o'clock p. m.

The roll was called, and the following Senators answered to their names:

Mr. President: Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Hinely, Hodges, Howell, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Welsh, Whitaker, Young—34.

A quorum present.

Senator Swearingen moved that the Senate do now adjourn until four o'clock p. m. on Monday, April 8, 1929.

Which was agreed to.

Whereupon, the Senate stood adjourned until four o'clock p. m., Monday, April 8, 1929.